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APPLICATION NO. <i>7590</i>	TELEPHONE NO. <i>03/28/2006</i>	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,268		01/21/2004	Dennis Pryce	16573-10001	2569
			EXAMINER		
			LHYMN, EUGENE		
ART UNIT		PAPER NUMBER			
		3727			

DATE MAILED: 03/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/761,268	PRYCE, DENNIS	
	Examiner	Art Unit	
	Eugene Lhymn	3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 21 January 2004 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Kinder (US 4721216). With respect to claim 1, Kinder discloses the following:

- Holder mount (33)
- Receiver
- Base
- Advertising mount (33)

With respect to claim 2, Kinder discloses the advertising mount being on the holder mount (33).

3. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson (US 2672988). With respect to claim 1, Johnson discloses the following:

- Holder mount (3)
- Receiver
- Base
- Advertising mount (29)

With respect to claim 2, Kinder discloses the advertising mount being on the holder mount (Fig. 1, 29).

4. Claims 1 & 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith (US 3013758). With respect to claim 1, Smith discloses:

- Holder mount (11)
- Receiver
- Base
- Advertising mount (C)

With respect to claim 3, Smith discloses the receiver being wire and having a frusto-conical shape.

5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Hogg (US 4240549). With respect to the claim, Hogg discloses:

- Holder mount (28)
- Receiver
- Base
- Advertising mount (46)

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Kinder. Johnson discloses the claimed invention except for the shape being frusto-conical. However, Kinder teaches the shape of the receiver being frusto-conical (Fig. 3). Furthermore, a change in form or shape is generally recognized as being within the level of ordinary skill in the art, absent any showing of unexpected results. *In re Dailey et al.*, 149 USPQ 47. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the shape of the receiver of Johnson to be frusto-conical as taught by Kinder so as to provide an alternate shape.

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hogg in view of Kinder. Hogg discloses the claimed invention except for the shape being frusto-conical. However, Kinder teaches the shape of the receiver being frusto-conical (Fig. 3). Furthermore, a change in form or shape is generally recognized as being within the level of ordinary skill in the art, absent any showing of unexpected results. *In re Dailey et al.*, 149 USPQ 47. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the shape of the receiver of Hogg to be frusto-conical as taught by Kinder so as to provide an alternate shape.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Barnes (US 983473)

Mason (US 5984136)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Lhymn whose telephone number is 571-272-8712. The examiner can normally be reached on MTWT 6-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571)272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



NATHAN J. NEWHOUSE
SUPERVISORY PATENT EXAMINER

Notice of References Cited		Application/Control No. 10/761,268	Applicant(s)/Patent Under Reexamination PRYCE, DENNIS	
		Examiner Eugene Lhymn	Art Unit 3727	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2,672,988	03-1954	JOHNSON CLYDE E	211/88.01
*	B	US-4,240,549	12-1980	Hogg, James W.	206/303
*	C	US-4,721,216	01-1988	Kinder, Bobby L.	215/393
*	D	US-3,013,758	12-1961	SMITH JOHN A	248/153
*	E	US-5,984,136	11-1999	Mason, Daniel J.	220/737
*	F	US-983,473	02-1911	Barnes, TH	248/154
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
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	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



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